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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-066

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

What is the statutory authority for the requirement in s. DWD 16.08 (6) that an emergency assistance payment for impending homelessness may not be made unless the agency has confirmed that the landlord, bank or local government agrees to waive any right to proceed with an eviction or foreclosure action based on the notice served in consideration for receiving the emergency payment on behalf of the group? Also, this provision is not explained in the analysis to the rule, as it should be.

2. Form, Style and Placement in Administrative Code

a. The material in each subdivision of s. DWD 16.05 (3) (a) and (b) should be followed by a period. Also, from the analysis, it appears that both pars. (a) and (b) must be satisfied. This subsection could be simplified if the last sentence of sub. (3) (intro.) were written as follows: “The W-2 agency shall verify that a landlord, bank or local government has issued the group either a five-day notice terminating tenancy for nonpayment of rent pursuant to s. 704.17, Stats., or a notice of foreclosure and that the emergency assistance group is experiencing . . . :”. Subdivisions 1. to 6. of par. (a) could be numbered pars. (a) to (f).

b. In s. DWD 16.08 (6), “s.” should be inserted before the rule citation. Also, “may not” should replace “shall not.”

4. Adequacy of References to Related Statutes, Rules and Forms

A reference to s. 49.138 (1m) (intro.), Stats., should be added to the citation of statutory authority. In addition, it is suggested that the phrase “as affected by 1999 Wisconsin Act 9” be added to that citation and the citation to s. 49.138 (1m) (am), Stats.